

**Notice of Allowability**

Application No.

09/911,125

Applicant(s)

SEHER ET AL.

Examiner

Brian R. Gordon

Art Unit

1743

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-25-05.
2. ☒ The allowed claim(s) is/are 1-3,5,7,8,12 and 13.
3. ☒ The drawings filed on 7-23-01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas M. Lundin on May 5, 2005.

The application has been amended as follows:

In the claims, amend the claims as follows

Cancel non-elected claims 9-11 and 14-15.

Cancel claim 16.

1. A fluid movement system for moving a sample fluid comprising: a fluid container, pressure variation means for moving the sample fluid from the fluid container into a chamber under the influence of a pressure applied to the fluid movement system, and timing means for controlling the timing for releasing a pressure in the pressure variation means wherein the pressure variation means comprises a volume-variation means for generating an overpressure and/or an underpressure by means of a volumetric variation adjusting the volume thereof, and wherein the pressure variation means further comprises a resilient member for counter-acting against the volumetric variation applied to the volume-variation means.

7. The fluid movement system of claim 1, wherein the ~~pressure variation means comprises: volume-variation means~~ is adapted to for successively generating an overpressure and/or an underpressure by ~~means of a volumetric variation~~ adjusting the volume thereof, and a first valve for releasing the overpressure and/or for at least temporarily maintaining the underpressure, ~~and a resilient member for counter-acting against the volumetric variation applied to the~~  
~~volume-variation means.~~

12. A system comprising: a cartridge, a reading device, and ~~The fluid movement~~ system of claim 1, wherein a said fluid movement system is included in a said cartridge which is to be inserted into a said reading device.

***Allowable Subject Matter***

2. Claims 1-3, 5, 7-8, and 12-13 are allowed.

3. The following is an examiner's statement of reasons for allowance: A fluid movement system for moving a sample fluid comprising: a fluid container, pressure variation means for moving the sample fluid from the fluid container into a chamber under the influence of a pressure applied to the fluid movement system, and timing means for controlling the timing for releasing a pressure in the pressure variation means wherein the pressure variation means comprises a volume-variation means for generating an overpressure and/or an underpressure by adjusting the volume thereof,

and wherein the pressure variation means further comprises a resilient member for counter-acting against the volumetric variation applied to the volume-variation means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Treu et al., Kowanko, and Newman disclose fluid movement systems.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

brg

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700